
HOUSE BILL No. 2082

DIGEST OF INTRODUCED BILL

Citations Affected: IC 25-1-9-4.

Synopsis: Health profession standards of practice. Prohibits, under the health professions standards of practice, the act of a practitioner engaging in or soliciting sexual contact with the practitioner's patient or client.

Effective: July 1, 2001.

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January 17, 2001, read first time and referred to Committee on Public Health.

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First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

HOUSE BILL No. 2082

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 25-1-9-4, AS AMENDED BY P.L.22-1999,
2 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2001]: Sec. 4. (a) A practitioner shall conduct the
4 practitioner's practice in accordance with the standards established by
5 the board regulating the profession in question and is subject to the
6 exercise of the disciplinary sanctions under section 9 of this chapter if,
7 after a hearing, the board finds:
8 (1) a practitioner has:
9 (A) engaged in or knowingly cooperated in fraud or material
10 deception in order to obtain a license to practice;
11 (B) engaged in fraud or material deception in the course of
12 professional services or activities; or
13 (C) advertised services in a false or misleading manner;
14 (2) a practitioner has been convicted of a crime that has a direct
15 bearing on the practitioner's ability to continue to practice
16 competently;
17 (3) a practitioner has knowingly violated any state statute or rule,



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or federal statute or regulation, regulating the profession in question;

(4) a practitioner has continued to practice although the practitioner has become unfit to practice due to:

(A) professional incompetence that:

(i) may include the undertaking of professional activities that the practitioner is not qualified by training or experience to undertake; and

(ii) does not include activities performed under IC 16-21-2-9;

(B) failure to keep abreast of current professional theory or practice;

(C) physical or mental disability; or

(D) addiction to, abuse of, or severe dependency upon alcohol or other drugs that endanger the public by impairing a practitioner's ability to practice safely;

(5) a practitioner has engaged in a course of lewd or immoral conduct in connection with the delivery of services to the public;

(6) a practitioner has allowed the practitioner's name or a license issued under this chapter to be used in connection with an individual who renders services beyond the scope of that individual's training, experience, or competence;

(7) a practitioner has had disciplinary action taken against the practitioner or the practitioner's license to practice in any other state or jurisdiction on grounds similar to those under this chapter;

(8) a practitioner has diverted:

(A) a legend drug (as defined in IC 16-18-2-199); or

(B) any other drug or device issued under a drug order (as defined in IC 16-42-19-3) for another person;

(9) a practitioner, except as otherwise provided by law, has knowingly prescribed, sold, or administered any drug classified as a narcotic, an addicting, or a dangerous drug to a habitue or addict; or

(10) a practitioner has failed to comply with an order imposing a sanction under section 9 of this chapter; or

(11) a practitioner has engaged in sexual contact with a patient or client under the practitioner's care, or has used the practitioner-patient relationship to solicit sexual contact with a patient or client under the practitioner's care. This subdivision does not apply if the patient or client is the practitioner's spouse.

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1 (b) A certified copy of the record of disciplinary action is conclusive
2 evidence of the other jurisdiction's disciplinary action under subsection
3 (a)(7).

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